

Here shall the People's rights be maintained
Unshaken by party, and unshaken by gain,
Pledged but to Truth, to Liberty and Law,
No Favor we give, and no Fear shall we have.

Lane Acquitted.

During the whole period of our connection with the press, we never knew such a gross case of usurpation of the prerogatives of a Justice of the Peace, as that of Justice Ladd, rendered on Wednesday last, in acquitting Gen. Lane, and turning him loose upon community, instead of committing him, or holding him to bail for a trial before a jury of his country. Col. JENKINS was killed. No man doubts that fact. There were circumstances surrounding the case, which should have sent the matter to a petit jury, and there it will go at last. The province of a Justice of the Peace is not to try a criminal case, but to see if there is sufficient cause to put him on trial before his peers.

It has been represented for weeks that Lane would be acquitted, and that he had resolved to take the stump, ostensibly to speak against the Lecompton Swindle, but, in reality, to show that he is a great martyr; that his enemies are persecuting him; and that in killing Jenkins he had killed himself in self defence. At the first Convention of the Free State party in the Territory, by his trickery, he will manage to get a seat in the Convention, and will claim the right to be elected chairman to wipe out the foul stain which his enemies have heaped upon him. Wherever he goes, however, blood will be seen dripping from his fingers, and in every speech the dying voice of Col. JENKINS will be heard in his ears, "Lane you know your duty!"

We do hope the Free State party will not allow itself longer to be disgraced by this man. Because he has effrontery to foist himself upon the public on all occasions, both in season and out of season, it is no reason why he should be feted and petted as has been the case with him in the past.

The time will come when the intricate web of evidence, so handsomely woven on this occasion in favor of Lane, will be broken.

We have published elsewhere a hasty review of the case, doing so as impartially as possible. We believe it embodies all the leading facts, and to us, as to every impartial reader, it presents a case deserving of a thorough investigation in a court of law, and by an intelligent and honest jury.

Disgraceful Legislation.

We stated some months ago that the peculiar province of the *Typographer*, in the Territorial Legislature, last winter, seemed to be to either get incorporated themselves, or place their friends in that position, for all the franchises in their power. In reading the proof sheets of the local and special laws of the last Legislature, we were actually startled to see the frequency certain names occurred as incorporators in those laws. They are incorporated railroad, bridge, ferry and insurance companies in every part of the Territory, and a university for every hill top, and a town company, we should suppose, for nearly every quarter section of land in Kansas.

These Legislators, who labored so hard, and so successfully to secure the numberless franchises at their disposal, offered a resolution, and consumed some ten days of the session in an effort to get that body to adjourn in favor of the Topeka government. All the time they were pressing that resolution, those same men were consuming each morning hour of the session by the introduction of private bills, which now lumber the statute books, to the exclusion of general laws, which the real interests of the people demanded. The idea of a Legislative body, which consisted of but thirty-nine members, so managing affairs that some of the members of its members, generally of the fire-eating wing, appear in nearly every law, running through nearly two hundred local acts, is an outrage not to be tolerated. We trust the people will take the remedy into their own hands, and hereafter leave the members of the last Legislature, whose names are thus found disgracing the statute books, to look after their personal interests in some other capacity than as law makers. We need legislators whose services will be directed to conserving the public interests, instead of keeping an eye constantly on private speculation.

But one feeling reaches us from the East, since the small vote on the Leavenworth Constitution, and that is, that that instrument should never be sent up to Congress on the happening of any contingency whatever. Many who favored the adoption of that instrument have since changed their position, and now concede that the framing of it was an unnecessary work, or, if necessary, the occasion that called it into being has passed away. In Kansas, all classes are in favor of remaining in a territorial condition for two or three years yet, until our claims get their lands paid for, and business has assumed a more settled condition than is now the case.

HARSHALL'S MAP OF KANSAS, positively the best, and only reliable map of Kansas now in the market, for sale at the *Herald of Freedom* office, for one dollar. Copies will be mailed to any portion of the United States on the receipt of the price of the map.

Continuous coal can be purchased at Lawrence for twenty cents a bushel, or \$5.00 a ton. A very good vein has recently been discovered some four miles west of Lawrence.

Deserting the Ship.

That there is a determined purpose, on the part of many persons calling themselves Free State men, to organize the Republican party in Kansas, immediately after the election in August, is a well known fact, and one which the Free State party will be called upon to meet and resist. The leaders in this movement, without a single exception, so far as we are advised, were opposed to participating in the October election a year ago. Every obstacle in their power was interposed from first to last, to prevent the people from engaging in that election. Having access to the public journals in the East, they wrote column after column, denunciatory of the movement, and of the men who favored it. After they were defeated at Grasshopper Falls, some of them came reluctantly into the support of the measure, and then demanded the principal offices, which, in many cases, were awarded to them rather than to have a division, although this element was greatly in the minority; and, hence the reason for so many radical, impracticable men on our Territorial Legislature last winter.

These same men opposed participating in the January election, and by their intriguing efforts succeeded in packing a convention which decided against voting. When a ticket was finally put into the field, they plied all their energy to keep men away from the polls, and the consequence was, very many good men were blinded and induced to act contrary to the teachings of their better judgment, and opposed the wisest movement ever projected for the prevention of our permanent enslavement. That movement was subsequently endorsed by all our leading politicians in the States, and the people of Kansas everywhere endorsed it; yet these "ultra radicals" fought against it to the last. They had seen no way to get out of our difficulties only by inaugurating another war, and then the end they could not foresee. The other policy was a peace policy, and it prevailed.

These men, so often foiled in their projects, and in such poor odor with the people, seem to think that they can renege themselves in popular favor, only by organizing a Republican party. By taking the lead in the movement, and getting the committees and offices in their hands, they expect to control its action.

Though we deprecate a division of the Free State party, yet if these excrecences which have been the cause of so much trouble in the party, in the past, would leave us the old Free State party which planted the flag of Freedom on the soil of Kansas, and has protected it unscathed so long, would be stronger for it, and better able to combat a powerful and unprincipled foe, which they have in the pro-slavery party, organized under whatever name it may assume.

We say it all candidly, that Gen. Lane, M. F. Conway, "Intox," and that whole school of politicians whose judgment has directed them so intemperately in the past, would give strength to the Free State party, would they leave it, and heaven knows that we shall interpose no arguments or objections to their doing so. As we said months ago, "they are rats in the ship," and subvert on nourishment for the sustenance of the crew, who are compelled to guide it and keep it erect in the storm. They are worse than dead weights, because they add nothing to the stability or steadiness of the craft, but are always in the wrong place when they are needed for ballast. Let them go, and if necessary to encourage their passage, let us cast anchor, and if we cannot connect with the land by a plank, we will send them ashore in a gale. But while this is being done, let us labor to reorganize our own strength for a fiercer and more protracted contest. They will play the falsehoods of the past to our injury, hence we will not follow them in their madness. Detraction and calumny, their chief stock in trade, will be employed with great vigor in their behalf. But we shall live them down and triumph.

The Free State party in Kansas has been the child of circumstances; but, holding the freedom of a mighty empire in her grasp, is not to be crushed by the calumny of intriguing politicians. It will live on till its glorious mission is accomplished; till freedom is finally secured, and she is a sovereign State in the Federal Union; then, covered all over with laurels, and rich in unfading renown, she will quietly yield the sceptre to the Republican party, or any other whose motto is FREEDOM, and whose labors are directed to its preservation.

Celebration at Brownville.

Our friends at Brownville are to celebrate our national anniversary on Monday next, and have made preparations for a large collection. They give a social and collation party in the evening. We regret that other engagements will prevent us from accepting their polite invitation to be present on the occasion.

Brownville is one of the five towns of Kansas, situated twelve miles south of Topeka, in the Wakarusa valley, and in the midst of a rich, and now quite populous, agricultural district. The town numbers about 200 inhabitants, and is making many valuable and permanent improvements, among which are three churches, of brick and stone.

We shall be pleased to have a report of the celebration, for publication, from some of our friends in that vicinity.

Immigration has nearly closed for the season. There are continued arrivals of teams with families overland, but there is no comparison in point of numbers with what was the case three and four weeks ago. The heavy immigration this year has visited the valleys of the Big Blue, Republican, and Smoky Hill, though thousands have made their way to the Neosho, and Walnut creek. Indeed, of the immigration which has arrived in Lawrence, it has seemed to us that the entire tide was directed to Emporia, and points beyond that place. There is an immense country there, as also on the Smoky Hill, which will accommodate an immense immigration with just as good lands as there are in the world.

The Examination of Gen. Lane.

This case, after drawing its slow length along for two weeks and more, is closed. We have not published a full report of the testimony in detail, intending, when the whole case should be produced in evidence, argued, and the judgment rendered, to make a proper review of the whole; and, as an honest journalist, to make such observations upon the premises as the facts and the occasion seem to demand. Some of the main facts, as they appear in the testimony of the prosecution, we have given our readers before.

The evidence on the part of the defence, in its effect, or intended operation, may be reduced to these subdivisions:

1. Evidence designed to impeach the credibility of the three principal witnesses for the prosecution, by showing that they had made statements differing from their sworn testimony.

2. By calling several witnesses who state the facts differently from the witnesses for the prosecution, in two principal points.

1st. Who fired the first shot on that occasion—Lane, or some one of the other party; and,

2d. Did Mr. Jenkins have an axe in his hand when he was shot. Indeed, the principal object of the impeaching testimony is, manifestly, to throw doubt on these points.

Having said thus much, it will be proper to give our readers, in a condensed form, the important facts sworn to by the principal witnesses on the side of the defence, and of the prosecution, by way of rebuttal.

EDWARD MORRIS.—According to this witness, Green said they (meaning the three young men with Jenkins), were all armed; that Jenkins said, at the gate, to his young men, "Let us rush on and cut down the damned villain;" that if his pistol had gone off, Lane would never have shot Jenkins; that the face of Jenkins retained a scowl after death.

J. J. SIMMONS.—According to this witness, Green told him, an hour after Jenkins was dead, that he was still living; that Simmons asked the question knowing him to be dead; and that his party fired three shots.

SCOTCHESBURY.—Henry Jenkins said his uncle carried the rifle to the ground and Green a revolver; that all were armed, except him; and he had an axe; uncle took the axe inside of the gate.

A. J. McLEWITT.—Henry Jenkins said his uncle had a pistol in his pocket; axe in hand, when shot; settled down upon the face of the dead.

JAS. F. WALKER.—The substance of this witness' testimony was, that Nichols, the last tenant in the house occupied by Lane, succeeded him and came in the 24th March last; that he left the 25th, and Lane came in as a boarder with Nichols; that he rented the same premises of Lane and occupied them from Nov. 67 to March '58, and Lane boarded (casually) with him; some of Lane's effects were in the house during this time; that one or two of the tenants preceding him, rented, as he supposed, of Lane; for a few days last winter, he stopped neighbors in the use of the water out of this well.

R. D. NICHOLS.—According to his own testimony, rented of Jenkins and Lane both; a written lease of Jenkins, reserving the use of that well, dated March 25th, the day Nichols got possession of the house; had heard a threat of Jenkins that if he caught Lane on that claim, he would take him by the coat collar and put him off.

SAM. WALKER.—According to his evidence, one or all three of the men said they were all armed when they went after the water. Walker asked Green, "didn't you go there to get water or fight?" Green assented. Green also said if his pistol had gone off the first time, Lane would not have shot Jenkins.

BENJ. F. GATES.—Is Lane's hired man; witnessed this homicide; Jenkins came to the gate, and commenced to cut it down; Lane forbade him; J. said he should cut it down, and cut him too; if he did not get out of the way; Jenkins entered the yard; Lane went into his house, came out, and told him not to advance; retreated himself a step or two; he raised his gun; there were three reports of caps, or discharged; Lane fired; Jenkins fell; Lane turned to go into the house; a shot struck him in the knee; he quickened his pace; other shots; Green rushed back to the gate and fired a gun; three young men were all in the yard, on the threshold of Jenkins, on plowed ground, all armed with pistols; all fired; Jenkins did not say any such thing as "Rush on and kill the damned villain;" he said to Green, "Come on;" Green carried pistols, but left them at the gate, and followed Jenkins in; Gates, when he came to the body of Jenkins, saw the axe about ten or twelve feet from his head, to north-west; had conversed some with Lane about the affair; heard his statement a number of times, possibly ten; heard him read a paper, headed, "James H. Lane, being duly sworn, depose and say," containing statements about this affair.

Mrs. MAXWELL.—She saw this affair from her house, some distance north of Lane's; heard three reports, or what she thought were reports; they seemed to her like pistol reports; she don't know whether they could be; before Lane fired, a man, believed to be Jenkins, was advancing from the gate towards Lane, with something in his hand; Lane waved him off; Jenkins went on; Lane fired; saw an object falling out of sight; heard three other reports, like pistol shots; saw something like pistols in their hands; Lane, after he took his position, didn't move till he fired; as near as he can tell, there were seven shots or reports; was out of doors, near his door.

Mrs. BROWN, mother of Mrs. Mandell—Was in the house at same time; Mrs. M. was standing just inside of the door, which was partly open, where she could see and not be seen; heard only four reports in all; the last was the loudest.

The defence produced several other witnesses to the fact of the appearance of the countenance after death, that Jenkins had been drinking, and some language of his, implying that he was going to have water at all hazards, if it cost him his life.

By way of rebutting testimony, the prosecution produced:

HESSY DUFFIN.—Was one of the young men who accompanied Jenkins; was unarmed; stood during the affair, two or three steps towards the gate from the hen-coop outside of the yard; was not in the yard at all until half an hour afterwards; three shots fired in all; Lane fired first; Green next; I last; I stepped back when Jenkins fell, and fired a Sharp's rifle at random, without aim; as I stepped back I heard a shot which I supposed to be Green's. Did not see Green fire; had my side turned to him in going towards rifle.

Henry Jenkins was at the gate; had my eyes every moment on Lane; he came out with a gun, and said, "Jenkins if you come another step I'll shoot you;" did not step back at all; his position when he fired, was a little to the north and west of the well; Green had a revolver; and the rifle were all the arms; I came over the last one of all; was not near the hen-coop with any purpose to get the rifle, but because I was behind the rest; was present at the interview between Mrs. Lane and Mr. Jenkins at the well; saw Gates there two or three minutes before we left; Jenkins attempted to knock the lock off the well; Mrs. L. requested him to desist; I said "uncle you had better;" he said "well;" threw down the axe and went home. Before this, Mrs. Lane had told Jenkins that he was no gentleman. J. replied, "Mrs. Lane if you say that, you are no lady."

The counsel for the Territory also produced:

EDWARD E. ROYER.—About one o'clock, June 3d, was sitting at Mr. Nute's window in the back kitchen, in the adjoining enclosure to Lane's; heard a confused pounding towards the west fence of Lane's yard; then heard alteration of voices for a minute or so; then heard a voice, apparently that of Jenkins, say, "you know your duty;" shortly after that a report of a shotgun, followed by a groan, or something between a groan of pain and a heavy snore; went to the window; saw Lane come out from behind the stable which intercepted view; was partly turned around, looking; between the time I first saw him and his getting out of sight behind the corner of house, heard two shots; Lane started up quickly and went into the house. I started for the yard; saw Jenkins lying dead on the edge of the ploughed ground; Henry Jenkins was there and Gates came; rolled him over; I and Henry and Gates and Mrs. Jenkins carried him home; when I returned, saw the axe six or eight feet back and to the left of the body; did not see it before; the window of the kitchen is thirty-five or forty yards from where this occurred.

The counsel for the Territory also swore Rev. Mr. Nute, as to an interview between Mr. L. and Jenkins, at the well, about a week before the homicide; from this account, it appears that J.'s conduct was, in no respect, unbecomingly or ungentlemanly.

The prosecution also produced six or seven witnesses, who heard Lane's narrative of the occurrence in his house, at several times, from fifteen minutes to two hours afterwards, from which it appeared that Lane admitted, and said in answer to questions, that he fired the first shot; that as soon as he fired, two shots were fired at him, one passing near his body, or cutting a lock of his hair. On the other hand, the defence brought two or three witnesses, who heard Lane say, the same afternoon, something different from that; that one shot was about the time of his; could hardly tell which was first, &c.

The prosecution, in conclusion, produced in evidence, the clothes worn by Jenkins at that affair, the axe with which he broke down the gate, and the pistol which Green used, from which the following facts are rendered absolutely certain, and beyond contradiction:

1. That Green fired but one shot, and if there were no other arms on the ground, except a Sharp's rifle, then there were but two shots fired by Jenkins' party, as all the witnesses of the prosecution agree.

2. Jenkins had no axe in his hand when he fell, nor were his arms raised when he was shot. Had he held the axe in the position described by Gates and others, or in any similar position, it is absolutely certain that the axe and handle would have received some shot, and would have left a portion of the body untouched, by being covered. The position and direction of the shot in the arms, show the same facts beyond all possible dispute or doubt.

And we may safely say that all the circumstantial evidence in the case, confirms the testimony of the prosecution. The attempt, by the defence, to show any other purpose for Jenkins than to get water, has utterly failed; and the attempt to throw discredit upon the witnesses of the prosecution, has created as much uncertainty as it has cleared up. The witness Gates so successfully impeached himself, that any outside assistance was quite unnecessary. With the exception of Gates, the eye witnesses for the defence were at too great a distance to have accurate knowledge of the matter.

This has been a protracted and exhausting examination. The standing of the principal actors, and the intense interest of the public, have rendered this investigation of paramount interest in the history of Kansas.

Six arguments of counsel, all of considerable length, have been made. Ex-Gov. Stanton opened the case on the part of the prosecution, in a speech of two hours, characterized by good sense, candor and sound reasoning, which was received with favor.

Mr. Ewing, for Lane, replied at about the same length, in an able argument, worthy of him. Mr. Coe, for the Territory, continued the argument—for the most part, avoiding the course of observation pursued by Stanton, in his opening.

The respective rights under the law of Lane and Jenkins to these premises and this well in controversy, were elaborately considered in his opening, and he concluded with a review of certain portions of the evidence with an application to the same of the law of homicide.

Mr. Hutchinson followed, presenting a general outline of the case and of the law of homicide and self-defence.

The arguments of Col. Young and the conclusion by District Attorney Safford, we had not the pleasure of hearing, but learn that they were able and equal to the occasion.

In conclusion, we have, in this article, given in detail, every important point in the testimony of the defence, scarcely alluding to the opposing testimony for the prosecution. We do this, that it may clearly appear that we are dealing fairly with Gen. Lane. The whole case of the prosecution, if stated in full, would show this state of facts. Gen. Lane was a boarder with a person who had rented of him, but having, so far as any proof shows, no right to lease, the tenant moved out, leaving Lane in possession of the house. There is a well adjoining the house, which Jenkins had used constantly, for more than two years, and it was on the claim of Jenkins. No person had disputed the right during this long interval. When Lane got possession of the house, he commenced his aggressions upon the rights of Jenkins. He first demanded that Jenkins should get the water by a circuitous route, to the inconvenience of both Jenkins and Lane. To gratify his malignity to the deceased, he was even willing, perhaps, to put himself to inconvenience, if this were not, as it probably was, the merest pretext to cover the purposes of his murderous heart. He nails up the gate, which, if the proof had been admitted, would have been shown to have been built by Gaius Jenkins himself, and which, in the most favorable case for Lane that can be supposed, being a gate between the field of Jenkins and the yard, was the common property of Lane and Jenkins. When Lane nailed it up to prevent a sick family from obtaining water, he committed an inexcusable outrage upon the rights of hospitality and the rights of Gaius Jenkins. This, and carrying out the same object by locking the well, were the original cause of this terrible deed. And what will our readers say, when, with an unparalleled assurance, Lane comes in a court, and pleads that he acted in self defence? Is not this superfluous insult to murder? He was the aggressor, he was the trespasser, and Jenkins was the party acting, step by step, in this transaction, on the defensive. Let not the public, or our readers, be deceived by the clouds of false rumors in this case. There is not, in this evidence, so far as we have examined it, one item reflecting on the honorable and forbearing conduct of Jenkins. It seems strange if it should be otherwise. Jenkins was well known, and by the unanimous voice of this public, he was a most truthful, kind, generous and high-toned gentleman, the very soul of honor, and morally incapable—we repeat it, MORALLY INCAPABLE—of deliberately infringing on the rights of his neighbor. We have given a candid hearing to both sides, and we have before us all the important facts of the evidence, and do now deliberately repeat what we have before said, that, taking into our judgment the whole context of facts, this was a deliberate, premeditated, malicious homicide, without excuse and without justification.

LANE DISCHARGED.—We learn that the three justices have, after considerable discussion, agreed to discharge Lane. This inexcusable outrage upon the moral sense of every person in this community, and upon the laws of the land, was not entirely expected, though it has been apprehended from the perfunctory, prejudiced, one-sided course of two of the justices sitting in the case.

No indifferent spectator, as we have been informed, could have listened for a considerable time at this trial, and left the room without the reflection that there were two parties litigant, and he would have been extremely likely to confound these justices with the defendant's counsel. In their rulings, as we have good authority for believing, they have heaped contempt upon common sense and law, set at defiance the authorities applicable to the cases of evidence arising before them, with the same nonchalance as they would slice an orange—changed their rulings to suit the occasion, and, at every step of progress, manifested an unwavering bias in favor of the defendant. This has been matter of public observation and public remark.

It may be true that a few individuals oppose Lane, for personal motives; yet, when we reflect that the justices have only to find a *probable case of some offence* having been committed, and they might, if they saw fit, either commit him for murder or recognize him to the District Court, in any of the degrees of manslaughter, the public will see the true character of this horrible outrage which these men, whom they have elected as conservators of the peace, have done this community and to justice. They have most emphatically converted themselves into the persecutors and enemies of the peace, and have, by their judgment, offered, in the most offensive and public manner, a premium upon murder. They have avowed to the whole American continent, the doctrine that shooting a hundred shot into a neighbor who wants water, if not positively a virtue, is a vice which powerfully inclines to virtue's side. There should not be, and is not, any party feeling in this matter. Let all good men, in and out of Lawrence, unite and hold to stern accountability those who have proved so recreant to their most solemn duty.

By reference to the advertisement of the Electric College of Cincinnati, it will be seen that the winter term of that institution will commence on the 13th of October next. The College has a good reputation, and any of our Kansas readers wishing to graduate at a first class Medical College, would do well to consider the advantages which can be gained by attending a course of lectures at this institution.

The acquittal of a prisoner arrested and examined before a Justice of the Peace for a crime, is no bar to one or a dozen prosecutions. Nothing but a decision upon the merits of a case, by a petit jury, is a bar to a criminal prosecution.

Gov. Smith.

We give place this week, to the third communication from Gov. SMITH, touching his views in regard to the Lecompton Swindle. Our readers all understand that we do not endorse him on this subject; but he is one of our oldest and most reliable Free State men; he has devoted his best energies, during his nearly forty years residence in Kansas, to make this a Free State; his age of life precludes the supposition that he is acting in this matter from sinister motives. Indeed, those who know his past history are fully conscious that no influence but his own judgment could guide his action. His letters are straightforward and bear the marks of honesty, and yet, we conceive they are impracticable, and his position would be very unsafe to follow. There is no time to hesitate in regard to the Lecompton Swindle. It is a child of fraud, and it must be put down on the first Monday in August. Could we have known that there would have been a chance given us by Congress to have voted, even indirectly, against it, so as to defeat its action, we should have been opposed to voting for officers under it in January. It was the voting for officers under it, and the election of Gov. Smith, and other Free State men to these offices, which defeated the bill in its original form, and which has sent it back to us for our final action. But for the vote of those who endorsed "Brown's cellar-kitchen nominations" in January, Kansas would have been today a slave State, and the last hope of making it otherwise would have been cut off.

Because we have taken that Constitution, and made it a stepping stone to the inauguration of a government of the people, if that instrument had been forced upon us by Congress, it does not follow that we would now take it by a voluntary act of our own, to use for a sinister purpose.

Gov. Smith has had a fair hearing in our columns. He differs from us, but does so as a gentleman and as such we respect him. They who can express a difference of opinion courteously, and with due respect to the feelings of an opponent, have a right to be heard at any time, and always shall be, through the *Herald of Freedom*, differing as widely as they may from us.

The Celebration.

The arrangements for the celebration of the Fourth of July have, so far, satisfactorily progressed. The good Templars have unanimously united in the plans, and the celebration bids fair to rival any heretofore held in Kansas. Two Lodges of Good Templars, from other places, have officially notified the Committee that they will be present, and a number more are expected. The Committee appointed to obtain subscriptions have succeeded in obtaining quite a sum from the citizens of Lawrence. The ferries over the river have been chartered for the occasion. The arrangements are on an liberal scale, and do credit to the principles they are intended to celebrate, as well as to the patriotism of our people.

The following officers have been chosen, and will officiate on the occasion:—
President of the day, A. W. BLACKBURN, Orator, J. C. VAUGHN, Leavenworth.
Chaplain, Rev. E. NUTE.
Reader of the Declaration, C. H. BRANCOMB, Esq.,
Chief Marshal, P. R. BROOKS.

The following is the official order of exercises kindly furnished us by the Marshal of the day:
Celebration of the 82nd Anniversary of American Independence under the direction of the Independent Order of Good Templars, at Lawrence July 3d, 1858.

The order of procession will be as follows:
Aid. Marshal. Aid.
G. W. C. T., President of the day, and Chaplain.

Lawrence Lodge, No. 8.
Orator and Reader of the Declaration.
Tucumseh Lodge, I. O. G. T.
Lawrence Glee Club.
Big Springs Lodge, I. O. G. T.
Other Lodges of Good Templars, as they may arrive.

Kansas Lodge, No. 10.
Delegation of Children.
Citizens and others who may wish to join the procession.

The procession will form at half past ten A. M. on New Hampshire street near Winthrop. The route of the procession will be through N. Hampshire street to Henry, through Henry street to Massachusetts, through Massachusetts street to Pinkney, through Pinkney street to Vermont, through Vermont street to Henry, through Henry street to Massachusetts, and through Massachusetts street to the Ferry.

The grounds having been selected on the North side of the river, it is hoped that all will observe the regulations established for the day, to prevent accidents and preserve order.

Ferries free to all who march in the procession. P. R. BROOKS, Marshal.

From Utah.

WASHINGTON, June 24.
A private letter from Gov. Cumming says much stress upon the importance of the Mormons being induced to return to their homes and employment. He is opposed to their going to Sonora. He confirms the statements heretofore made, that they are divided into peace and war parties, and thinks it the duty and policy of the Government to support the former and break down the latter. He speaks of Brigham Young as a man of great perseverance, intellect and experience, and, with all vested with authority to announce the terms awarded to those who are against the Holy Ghost. There is a division in their ranks; all fear, while many hate him, because of the pacific measures with which he is charged.

Gov. Cumming plainly says that his chief hope for control over the Mormons is exerted through Young, and if anything should happen to thwart the efforts to avert, the peril of a collision between the army and the Mormons, the country may expect a general war of several years' duration, at the expense of many millions of dollars, while the war would be visited upon those least deserving of its evils.

Henry M. Rice, U. S. Senator from Minnesota, is a native of Morrisville, Madison County, N. Y., and learned the printing art in the office of the *Madison Observer*.

For the Herald of Freedom.

MR. BROWN:—In a former communication, an error was made in printing, where it reads "the South and the Administration really have no interest in this election, only to defend the government under the Lecompton Constitution." The manuscript reads, "defeat the government under the Lecompton Constitution."

It is urged by some, that it is much better for the people of Kansas to remain a Territory, that they are not able to sustain a State government. To this proposition I beg leave to dissent. The general government pays a small proportion of the expense of sustaining a Territorial government, and what it does pay is in part our own money. The county expense, the most of clerk hire of the Legislature, and a hundred other things have to be paid by taxing the people; and a school fund, to make the common school system effective, must be raised in the same way, as, as soon as we become a State by a general act of Congress, five per centum of the proceeds of the sales of the public lands will be paid into the State Treasury, which would be amply sufficient for years to sustain a State government, our common schools, &c. But if we remain a Territory a number of years, the public domain will be disposed of, and we lose all benefits to be derived therefrom. As a State, we would also receive grants of land for Railroad purposes, which will be withheld as long as we continue in this unsettled condition, together with grants for building a capitol, penitentiary, universities, &c. It may be said Congress will appropriate money or lands to put up public buildings. If they do, where will they be erected? It is contended that the seat of government cannot be removed as long as we are a Territory; if so, these buildings will be erected at Lecompton where all the swindles—as they are called—have been concocted and matured, and the last place, as I have always understood, where the people wanted the seat of government located. To be sure, the Legislature can remove it as soon as we become a State, but if they do, as a matter of course, Congress will not appropriate either land or money to build on others. So the people will have to be taxed in the end to erect other buildings, if the seat of government is removed, and we are kept out of the Union until the lands are disposed of.

But this question of dollars and cents does not weigh a feather in the balance, with me. Give the people peace to follow their daily avocations, and they will be able and willing to pay taxes, if necessary, to sustain a government, and their money will be expended under their own supervision, by officers elected by themselves.

We can see other difficulties near at hand, besides what we may reasonably expect from past experience. Where is the first Territorial Legislature to meet? The last one said at Minneola. I understand the Governor says at Lecompton. One or the other will have to "back down," and, if so, how does the matter stand? If the Legislature agrees to meet at Lecompton, and they have power to remove the seat of government, their acts would be void, for they actually passed a law removing it to Minneola. If the Governor or consents to go to Minneola, and the Legislature had not the right to remove, their acts are void, for the Legislature must meet at the seat of government, and so we must be a year and a half or two years more before we know whether we have any laws or not, for it appears to be difficult to tell what laws we have at present, at least there is a glorious uncertainty about them.

It will be said, no doubt, that I am becoming troubled; it may be, but I am judging of the future by the past, and the old adage is certainly true, that "experience teaches a dear school, but some will learn in no other," which is the case here. Besides all this, a Territorial government is nothing but a complete monarchy, at best, under which people attached to Republican institutions will be restive of their rights, and will not bear as much from federal appointees as they would from officers elected by themselves, that they can remove at pleasure. The President has the sole control of the Territory; he can remove and appoint whoever he pleases, and what is to prevent him from removing Governor Denver, (whom I admit shows a disposition to discharge the duties of his office faithfully), and appoint John Calhoun or any other radical pro-slavery man who will renew the disturbances and keep up this unnatural warfare. We have an inkling of it already. It is reported, Judge Fane is appointed Marshal of the Territory—the man who headed a mob two years ago, came into Lawrence, arrested some of our citizens for no offence, sacked our city, robbed our citizens, and was engaged in other outrages at other places. "If such things have been done in the green tree, what may we expect in the dry." But it is said the people will not suffer such things to be done again, that they have the power now, and a prospect of having to use it to protect themselves. Why not do it at once, when they have the law, as well as the right, in their favor, and not wait until they may be placed in a false position to defend their rights as they always have been heretofore? And I care not how faithfully the Federal office-holders discharge their duties, there never will be that fraternal feeling between them and the people of this Territory which ought to exist to enable them to get along smoothly, in consequence of the outrages committed upon the rights of the people in days gone by. So that, in my opinion, every consideration argues the importance of a speedy exit from a Territorial to a State government. I have thus hinted at a few of the reasons which have influenced me in taking this position, in a very imperfect manner, it is true, but I hope sufficiently explicit to be understood, and I have not communicated my views to the public to change a single vote, but to vindicate myself. I may be wrong in my supposition of the object of the passage of the English bill; if I am, by adopting my course, we could, by a determined effort, have taken hold of the State government.

But, if I am right in my conclusions, there we have let